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DEC 19 2005

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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PROGRESSIVE FINANCIAL SERVICES, INC.

6 UNITED STATES DISTRICT COURT
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA
8 SAN FRANCISCO DIVISION
9

10 CAROL P. GUEVARRA, Individually and on
behalf of all others similarly situated

11 Plaintiff,

12 v.

13 PROGRESSIVE FINANCIAL SERVICES, INC.,

14 Defendants.
15

Case No.: C 05 3466-JES VRW

JOINT STIPULATION AND [PROPOSED]
ORDER STAYING MATTER PENDING
RULING BY NINTH CIRCUIT

16 Plaintiff CAROL P. GUEVARRA and Defendant PROGRESSIVE FINANCIAL SERVICES,
17 INC., through their respective counsel of record in this matter, and pursuant to Civ. L.R. 6-1, 6-2,
18 and 16-2(d), (e), hereby stipulate to and request that the Court issue an order granting a stay of this
19 case pending a ruling by the Ninth Circuit on the interlocutory appeal in the case of Camacho v.
20 Bridgeport Financial, case no. C04 0478 CRB, venued in the United States District Court for the
21 Northern District of California.

22 The sole issue in the pending Guevarra case is whether defendant complied with the Fair Debt
23 Collection Practices Act, 15 U.S.C. § 1692g(a)(3), when the defendant wrote to plaintiff and stated:
24 "Unless you notify this office in writing within 30 days after receiving this notice" (Complaint,
25 ¶¶ 9-10, 12.) Plaintiff contends that the statement should read: "Unless you notify this office within
26 30 days after receiving this notice"

27 ¹ Plaintiff also alleges that the failure to comply with section 1692g(a)(3) constitutes a violation of 15
28 U.S.C. § 1692e. (Complaint, ¶¶ 11, 13.)

- 1 -

JOINT STIPULATION AND [PROPOSED] ORDER STAYING MATTER PENDING RULING BY NINTH CIRCUIT

1 This very issue is before the Ninth Circuit in the Camacho v. Bridgeport case, Ninth Circuit
 2 Court of Appeals case no. CIVIL 04-17126. At the district court level, Judge Breyer certified this
 3 issue for immediate interlocutory appeal, in part because there was a split of authority. (Camacho
 4 v. Bridgeport, case no. 04-478, slip op. (N.D. Cal. July 16, 2004) (case stayed pending ruling from
 5 the Ninth Circuit).) The Ninth Circuit granted the petition for an immediate interlocutory appeal,
 6 and the parties have fully briefed the issues. Oral argument before the Ninth Circuit was heard on
 7 November 18, 2005.

8 In light of the pending Camacho appeal which will be dispositive of the critical issue of
 9 statutory interpretation in this case, the parties seek to stay this case as the parties did in the
 10 Camacho case pending a ruling from the Ninth Circuit. Good cause exists to stay this matter
 11 pending a ruling from the Ninth Circuit in light of the expense to be incurred to litigating this matter
 12 under the current state of jurisprudence on this issue, and in light of the possibility that the Ninth
 13 Circuit may issue an opinion that would be dispositive of this case.

14 Pursuant to this stipulation, the parties respectfully and jointly request that the Court issue an
 15 order staying the above captioned matter in its entirety until such time as the Ninth Circuit issues its
 16 ruling on the pending appeal in the Camacho v. Bridgeport matter.

17
 18 Dated: 12/12/05

By J. D. Koper

June D. Koper
 Attorneys for Defendant
 PROGRESSIVE FINANCIAL SERVICES, INC

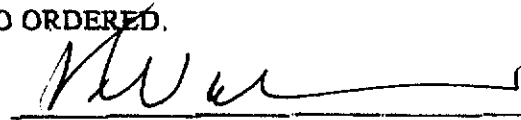
19
 20
 21 Dated: 12-12-05

By Irving Berg

Irving Berg
 Attorneys for Plaintiff
 CAROL P. GUEVARRA

1 PURSUANT TO STIPULATION, IT IS SO ORDERED.

2 Dated: 19 DEC 2005



3
4 Honorable Judge, U.S. District Court
Northern District of California

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